

APPROVED

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND**  
**IN LEGISLATIVE SESSION**

Tuesday, June 6, 2000 Rockville, Md.

The County Council for Montgomery County, Maryland convened in Legislative Session in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 10:13 A.M. on Tuesday, June 6, 2000.

**PRESENT**

Michael L. Subin, President  
Phil Andrews  
Derick Berlage  
Marilyn J. Praisner

Blair G. Ewing, Vice President  
Howard A. Denis  
Isiah Leggett  
Steven A. Silverman

**ABSENT**

Nancy Dacek

The Vice President in the Chair.

**SUBJECT: Approval of Journal**

**ACTION:** Approved the Journals of April 4, 25, and May 2, 2000.

The motion was made by Councilmember Praisner. Councilmember Dacek was absent and Councilmembers Leggett and Subin were temporarily absent.

**INTRODUCTION OF BILLS**

**SUBJECT: Emergency Bill 15-00. Hearing Examiner - Amendments**

**ACTION:** Introduced Draft 3 of the subject bill sponsored by the Council President.

In response to questions raised by Councilmember Praisner, Mr. Faden clarified the differences between Draft 2 and Draft 3, the corrected version, of the bill.

**CALL OF BILLS FOR FINAL READING**

**SUBJECT: Bill 3-00. Property Tax – Credit – Fire Sprinkler Svstems**

The Council had before it the memorandum and attachments from Senior Legislative Attorney Faden, dated June 6, 2000, on the subject bill.

Councilmember Praisner, Chair of the Management and Fiscal Policy (MFP) Committee, presented the report and recommendation of the Committee.

**ACTION:** Adopted the following amendments as reflected in the bill:

**AN ACT** to:

- (1) allow a property tax credit for installation of certain fire sprinkler systems; and
- (2) generally amend the law governing property tax credits for fire protection systems.

By adding

Montgomery County Code  
Chapter 52, Taxation  
Section 52-18J

**Boldface****Underlining****[Single boldface brackets]****Double underlining****[[Double boldface brackets]]****\* \* \****Heading or defined term.**Added to existing law by original bill.**Deleted from existing law by original bill.**Added by amendment.**Deleted from existing law or the bill by amendment.**Existing law unaffected by bill.*

*The County Council for Montgomery County, Maryland approves the following Act:*

**Chapter 52 is amended by adding Section 52-18J:**

**52-18J. Property Tax Credit - Fire Sprinkler Systems.**

- (a) A taxpayer may receive a one-time property tax credit against the general county tax for  
[[an improvement to residential real property]] any detached single-family dwelling unit  
and any attached dwelling unit or multi-family building in which a fire sprinkler system  
was not legally required to be installed. if an approved complete automatic sprinkler  
system that is used for fire protection is installed [[in the improvement and the  
installation is completed]] on or after July 1, 2000.
- (b) For each [[improvement]] dwelling unit or multi-family building where a sprinkler  
system is installed, the credit must not exceed the lower of:
- (1) the total cost of installing the sprinkler system; or
  - (2) 50% of the general county property tax attributable to the [[improvement]]  
dwelling unit or building [[where the sprinkler system is installed]].
- (c) The Department of Finance must administer this credit.
- (d) A taxpayer must apply for the tax credit in the year the sprinkler system is installed to  
receive the credit in that tax year or the next tax year. The taxpayer must:
- (1) show that [[a complete automatic fire protection]] the installed sprinkler system  
[[was installed that]] complies with codes and standards established by the State  
Fire Prevention Commission and any applicable County building and fire safety  
codes, and
  - (2) document the cost to the taxpayer of the sprinkler system.
- (e) The County Executive may adopt regulations under method (2) to implement this  
Section.
- (f) The Executive must report annually to the County Council on the use of [[the fire  
sprinkler system property]] this tax credit.

**ACTION:** Enacted Bill 3-00, by a roll call vote.

The motion was made by the MFP Committee:

YEAS: Andrews, Berlage, Leggett, Silverman, Praisner, Denis, Ewing.  
ABSENT: Dacek; Subin (temporarily) .

The Council recessed its Legislative Session at 10:21 A.M. and reconvened at 3:00 P.M.

**SUBJECT: Emergency Bill 14-00. Landlord-Tenant Displacement Law – Extension**

The Council had before it the memorandum and attachments from Mr. Faden, dated June 1, 2000, on the subject bill.

**ACTION:** Enacted Emergency Bill 14-00, by a roll call vote.

The motion was made by Councilmember Praisner:

YEAS: Andrews, Berlage, Silverman, Praisner, Denis, Ewing, Subin  
ABSENT: Dacek; Leggett (temporarily).

**SUBJECT: Bill 10-00. Collective Bargaining - Police – Sergeants**

The Council had before it the memoranda and attachments from Mr. Faden, dated June 5 and 6, 2000.

Councilmember Andrews, presented the report and recommendation of the Committee.

Councilmember Silverman questioned whether the Committee had discussed the issue of effects bargaining, received any recommendations from Executive Branch Staff, or considered the statement in the Office of Legislative Oversight (OLO) Report 99-2 on the Police Department's Complaint Handling System that the Council look only at the effects bargaining provision in the law. Councilmember Andrews said that the Committee did discuss the options that were available but did not have a detailed discussion of effects bargaining.

Councilmember Silverman requested and received clarification from Mr. Faden on the Committee's recommendation to remove, as a mandatory subject of collective bargaining for the sergeants unit only, the effect on unit members of the exercise of management rights. Councilmember Silverman moved, duly seconded, a substitute motion to adopt the original intent of the bill as it relates to effects bargaining by incorporating the sergeants into the existing collective bargaining unit. The motion would create one police collective bargaining unit and give the sergeants the same rights as other officers equal in relation to effects bargaining. He said that there has been no information provided from Executive Branch Staff that suggests the effects bargaining currently in place for over fifteen years has created any significant impediments to the operation of public safety in the County. Referring to the OLO Report, he said that there is a recommendation that the Council should look at effects bargaining without any additional reference made on the issue. With respect to whether there should be one or two bargaining units, Mr. Silverman said that other surrounding jurisdictions have had one bargaining unit that includes sergeants and the "rank and file" and there is no evidence of any problems. He said that he believes his motion would create a more effective system by extending the existing bargaining rights to the sergeants in the Police Department.

In response to Councilmember Subin's request, Councilmember Silverman said that he would not amend his motion to divide the police collective bargaining unit into two separate units with effects bargaining. Mr. Subin spoke in opposition to the substitute motion but said that he could support two bargaining units with effects bargaining.

Councilmember Ewing spoke in support of Councilmember Silverman's substitute motion. With respect to the issue of one bargaining unit versus two, he said he could support either option if both units had effects bargaining. With respect to his question related to the Committee recommendation to not authorize collective bargaining by other police supervision (lieutenants and captains), Councilmember Andrews said that the intent of the original bill was to expand bargaining rights to sergeants. He said that the Executive Branch changed its position on authorizing collective bargaining for captains, and this influenced the Committee's decisions to not expand collective bargaining rights beyond sergeants at this time.

Councilmember Praisner spoke in support of the Committee recommendations. She said that the legislation as recommended does not prohibit nor mandate effects bargaining but does allow the option for latitude which she believes is a more equitable approach than the substitute motion which requires effects bargaining.

**ACTION:** Agreed to amend the bill by adopting the original intent as it relates to effects bargaining by incorporating the sergeants into the existing collective bargaining unit.

The substitute motion was made by Councilmember Silverman:

YEAS: Berlage, Silverman, Denis, Ewing.

NAYS: Andrews, Praisner, Subin.

ABSENT: Dacek; Leggett (temporarily).

Councilmember Berlage expressed appreciation to the Committee for its work on the legislation and spoke in support of the bill as amended. He said that the sergeants did not have collective bargaining rights and the bill as amended will provide the sergeants the opportunity to have their issues addressed during collective bargaining.

Councilmember Subin said that he does not support the bill as amended and spoke in support of dividing the police collective bargaining unit into two units.

**ACTION:** Adopted the following amendments as reflected in the bill:

**AN ACT** to:

- (1) bring police sergeants within the scope of collective bargaining;
- [[ (2) divide the police collective bargaining unit into two bargaining units;]] [[and]]
- [[ (3) limit the scope of collective bargaining for members of the police sergeants bargaining unit;]] and
- [[ (4) ]] (2) generally amend the law regarding collective bargaining with County police officers.

By amending

Montgomery County Code  
Chapter 33, Personnel and Human Resource  
Sections 33-76, [[and]] 33-78, and 33-80

[[By adding

Chapter 33, Personnel and Human Resource  
Section 33-78A]]

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Underlining

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Double underlining

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\* \* \*

*Heading or defined term.*

*Added to existing law by original bill.*

*Deleted from existing law by original bill.*

*Added by amendment.*

*Deleted from existing law or the bill by amendment.*

*Existing law unaffected by bill.*

*The County Council for Montgomery County, Maryland approves the following Act:*

**Sec. 1. Sections 33-76, [[and]] 33-78, and 33-80 are amended[[, and Section 33-78A is added,]] as follows:**

**33-76. Definitions.**

When used in this Article:

\* \* \*

*Certified representative* means an employee organization selected in accordance with [the procedures of] this Chapter to represent [the] a unit.

*Employee* means any police officer [in the classification of] classified as a sergeant, master police officer I, master police officer II, police officer I, police officer II, police officer III, [and] or police officer candidate, or an equivalent nonsupervisory classification[s], but not [those] a police officer in [the classification of police sergeant or] any [equivalent or] higher classification. ~~[[Employee does not include a sergeant whose primary duties involve human resources, internal affairs, legal matters, labor relations, or policy development and compliance.]]~~

*Employer* means the County Executive and [his] the Executive's designees.

\* \* \*

*Unit* means [all employees] ~~[[either of the units defined in Section 33-78A]]~~ all employees.

**33-78. Employee rights.**

\* \* \*

- (b) The employer [shall have the duty to] must extend to the certified representative the exclusive right to represent the employees ~~[[in that bargaining unit]]~~ for the purposes of collective bargaining, including the orderly processing and settlement of grievances as agreed by the parties.
- (c) A certified representative [shall] must serve as the bargaining agent for all employees ~~[[in the unit for which it is certified]]~~ and [shall have the duty to] must represent fairly and without discrimination all employees ~~[[in that unit]]~~ without regard to whether the employees are [or are not] members of the employee

organization, [or are paying] pay dues or other contributions to it, or  
[participating] participate in its affairs. [; provided, however, that it shall not be  
deemed] However, it is not a violation of this duty for a certified representative to  
seek enforcement of an agency shop provision in a valid collective bargaining  
agreement.

\* \* \*

**[[33-78A. Bargaining units.]]**

[[For purposes of certification and collective bargaining, employees subject to this Article  
must be divided into 2 bargaining units, composed of the following employees:

- (1) sergeants:
- (2) all other covered employees.]]

**33-80. Collective Bargaining.**

- (a) **Duty to bargain; matters subject to bargaining.** [[Upon certification of an]] A  
certified employee organization[[, as provided in section 33-79,]] and the employer  
[[and the said certified representative shall have the duty, through their designees,  
to]] must bargain collectively [[with respect to those]] on the following subjects [[as  
follows]]:

\* \* \*

- (7) The effect on employees of the employer's exercise of rights  
[[enumerated]] listed in subsection (b) [[hereof]][[. but this paragraph does  
not apply to the bargaining unit composed of sergeants]].

\* \* \*

**ACTION:** Enacted Bill 10-00, as amended, by a roll call vote.

The motion was made by the MFP Committee, as amended:

YEAS: Andrews, Berlage, Leggett, Silverman, Denis, Ewing

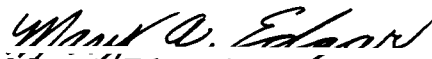
ABSTAIN: Praisner

NAYS: Subin

ABSENT: Dacek.

The meeting adjourned at 3:25 P.M.

This is an accurate account of the meeting:

  
Mary A. Edgar, CMC  
Clerk of the Council

Minutes written by: Elda Dodson, Deputy Clerk